## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

	)	
Nelson L. Bruce, Plaintiff,	)	
	)	
	)	
	)	
v.	)	Civil Action No.: 2:22-cv-02211-BHH-MGB
	)	
Pentagon Federal Credit Union; et al.	)	District Judge Bruce Howe Hendricks
	)	Magistrate Judge Mary Gordon Baker
Defendants.	)	,
	)	

## DEFENDANT PENTAGON FEDERAL CREDIT UNION'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT UNDER RULE 12(b)(6)

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Pentagon Federal Credit Union ("PenFed") respectfully requests that the Court dismiss with prejudice all claims asserted in Nelson L. Bruce's amended complaint [ECF 31] against PenFed. The sections of the amended complaint titled "SECOND CAUSE OF ACTION" through "EIGHTH CAUSE OF ACTION" assert the following claims against PenFed in relation to information it provided to credit reporting agencies: (I) violation of the Fair Credit Reporting Act; (II) defamation; (III) violation of the Fair Debt Collection Practices Act; (IV) violation of the South Carolina Consumer Protection Code; (V) violation of the Uniform Commercial Code; (VI) violation of the South Carolina Unfair Trade Practices Act; and (VII) negligent and intentional infliction of emotional distress.

As explained in the memorandum PenFed is filing in support of this motion, the amended complaint fails to state a claim upon which relief may be granted against PenFed in connection with any of the matters asserted therein. Accordingly, the Court should dismiss all claims asserted against PenFed with prejudice and enter judgment in favor of PenFed.

DATED: November 16, 2022. **Respectfully submitted,** 

## PENTAGON FEDERAL CREDIT UNION

s/ G. Troy Thames

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Attorneys for Pentagon Federal Credit Union

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of November, 2022, I served the foregoing via first class mail on:

Nelson L. Bruce P.O. Box 3345 Summerville, SC 29484 *Pro Se Plaintiff* 

s/ G. Troy Thames

G. Troy Thames (Federal ID No.: 07713)